

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 9110 of 2007(H)

PETITIONER:

P.M.UMMER, S/O.MOIDEEKUTTY HAJI,
AGED 40 YEARS, PULLIYIL MADASSERI HOUSE,
P.O.MELMURI, MALAPPURAM DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

1. EDAKKARA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
EDAKKARA P.O., NILAMBUR TALUK,
MALAPPURAM DISTRICT.
2. THE COUNCIL OF MEMBERS,
EDAKKARA GRAMA PANCHAYATH,
OFFICE OF THE EDAKKARA GRAMA PANCHAYATH,
REPRESENTED BY ITS PRESIDENT.
3. THE ASSISTANT EXECUTIVE ENGINEER,
EDAKKARA GRAMA PANCHAYATH,
OFFICE OF THE EDAKKARA GRAMA PANCHAYATH,
EDAKKARA P.O., MALAPPURAM DISTRICT.
4. THE ASSISTANT EXECUTIVE ENGINEER,
L.S.G.D. SECTION, VAZHIKKADAVU P.O.,
NILAMBUR TALUK, MALAPPURAM DISTRICT.
5. THE ASSISTANT EXECUTIVE ENGINEER,
L.S.G.D. SUB DIVISION,
BLOCK PANCHAYATH, OFFICE OF THE BLOCK PANCHAYAT,
NILAMBUR.

R1 & R2 BY ADV. SRI.P.SAMSUDIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C. KURIAKOSE, J.

.....
W.P.(C)No.9110 OF 2007
.....

DATED THIS THE 19TH SEPTEMBER, 2007

J U D G M E N T

This Writ Petition has been filed by a contractor who has executed works on behalf of the 1st respondent-Panchayat, complaining that due payments are not being released.

2. A detailed counter affidavit has been filed by the Panchayat. But a perusal of paragraphs 3, 4 and 5 of the counter affidavit will show that it is virtually conceded that payments are due to the petitioner. The contention seems to be only regarding the amounts actually due after making deductions. I accept the counter affidavit and hold that the petitioner is entitled for a total sum of Rs.7,62,444/- on account of the three works which are subject-matter of the Writ Petition.

Accordingly the Writ Petition will stand disposed of issuing the following directions:-

The 1st respondent-Panchayat is directed to pay a sum of Rs.2,50,000/- (Rs.Two lakhs and fifty thousand only) to the petitioner towards the amounts admittedly due to him, within one month of receiving copy of this judgment, and directed further to pay the entire balance by 31st March, 2008.

tgl

(PIUS C.KURIAKOSE, JUDGE)

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